

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE JUNE 1, 2015

SENATE BILL

No. 27

Introduced by Senator Hill

December 1, 2014

An act to *amend Section 4846.5 of the Business and Professions Code, and to add Chapter 4.5 (commencing with Section 14400) to Division 7 of the Food and Agricultural Code, relating to livestock.*

LEGISLATIVE COUNSEL'S DIGEST

SB 27, as amended, Hill. Livestock: use of antimicrobial drugs.

~~Existing~~

(1) *Existing* law regulates the distribution and use of livestock drugs, as defined, by the Secretary of Food and Agriculture. Existing law also requires a person to obtain a license from the secretary to manufacture, sell, distribute, or store commercial feed, including commercial feed containing drugs.

This bill would, beginning January 1, ~~2017~~, 2018, prohibit the administration of medically important antimicrobial drugs, as defined, to livestock unless ordered by a veterinarian through a prescription or veterinary feed directive pursuant to a veterinarian-client-patient relationship, as specified, and would prohibit the administration of a medically important antimicrobial drug to livestock solely to cause an increased rate of weight gain or improved feed efficiency. ~~The bill, subject to the availability of funding for this purpose, would require the Department of Food and Agriculture to develop a program or participate in an initiative to track the use of medically important antimicrobial drugs in livestock and to track antimicrobial-resistant bacteria and patterns of emerging resistance. The bill would also require the~~

~~department to adopt regulations to promote the judicious use of medically important antimicrobial drugs in livestock, as specified. The bill would require the Department of Food and Agriculture, in consultation with the Veterinary Medical Board and the State Department of Public Health, to implement programs to promote antimicrobial stewardship in livestock, and, in coordination with specified national entities, would require the department to develop a monitoring program to gather information on sales, usage, resistance, and management practice data for medically important antimicrobial drugs. The bill would require information provided pursuant to those provisions to be held confidential, as specified. The bill would make a first violation of the bill's provisions subject to a civil penalty of \$250 for each day a violation occurs, and would make second and subsequent violations subject to an administrative fine of \$500 for each day a violation occurs.~~

(2) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, and requires an applicant for a renewal license to complete 36 hours of continuing education in the preceding 2 years.

This bill would require a veterinarian who receives a licence to practice veterinary medicine on or after January 1, 2018, to complete an approved course on the judicious use of medically important antimicrobial drugs every 4 years as part of the continuing education requirement.

(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~Because~~

(4) Because a violation of the ~~bill's provisions~~ provisions of the Veterinary Medicine Practice Act would be a misdemeanor, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4846.5 of the Business and Professions
2 Code is amended to read:

3 4846.5. (a) Except as provided in this section, the board shall
4 issue renewal licenses only to those applicants that have completed
5 a minimum of 36 hours of continuing education in the preceding
6 two years.

7 (b) (1) Notwithstanding any other ~~provision of law~~, continuing
8 education hours shall be earned by attending courses relevant to
9 veterinary medicine and sponsored or cosponsored by any of the
10 following:

11 (A) American Veterinary Medical Association (AVMA)
12 accredited veterinary medical colleges.

13 (B) Accredited colleges or universities offering programs
14 relevant to veterinary medicine.

15 (C) The American Veterinary Medical Association.

16 (D) American Veterinary Medical Association recognized
17 specialty or affiliated allied groups.

18 (E) American Veterinary Medical Association's affiliated state
19 veterinary medical associations.

20 (F) Nonprofit annual conferences established in conjunction
21 with state veterinary medical associations.

22 (G) Educational organizations affiliated with the American
23 Veterinary Medical Association or its state affiliated veterinary
24 medical associations.

25 (H) Local veterinary medical associations affiliated with the
26 California Veterinary Medical Association.

27 (I) Federal, state, or local government agencies.

28 (J) Providers accredited by the Accreditation Council for
29 Continuing Medical Education (ACCME) or approved by the
30 American Medical Association (AMA), providers recognized by
31 the American Dental Association Continuing Education
32 Recognition Program (ADA CERP), and AMA or ADA affiliated
33 state, local, and specialty organizations.

34 (2) Continuing education credits shall be granted to those
35 veterinarians taking self-study courses, which may include, but

1 are not limited to, reading journals, viewing video recordings, or
2 listening to audio recordings. The taking of these courses shall be
3 limited to no more than six hours biennially.

4 (3) The board may approve other continuing veterinary medical
5 education providers not specified in paragraph (1).

6 (A) The board has the authority to recognize national continuing
7 education approval bodies for the purpose of approving continuing
8 education providers not specified in paragraph (1).

9 (B) Applicants seeking continuing education provider approval
10 shall have the option of applying to the board or to a
11 board-recognized national approval body.

12 (4) For good cause, the board may adopt an order specifying,
13 on a prospective basis, that a provider of continuing veterinary
14 medical education authorized pursuant to paragraph (1) or (3) is
15 no longer an acceptable provider.

16 (5) Continuing education hours earned by attending courses
17 sponsored or cosponsored by those entities listed in paragraph (1)
18 between January 1, 2000, and January 1, 2001, shall be credited
19 toward a veterinarian's continuing education requirement under
20 this section.

21 (c) Every person renewing his or her license issued pursuant to
22 ~~Section 4846.4~~ 4846.4, or any person applying for relicensure or
23 for reinstatement of his or her license to active status, shall submit
24 proof of compliance with this section to the board certifying that
25 he or she is in compliance with this section. Any false statement
26 submitted pursuant to this section shall be a violation subject to
27 Section 4831.

28 (d) This section shall not apply to a veterinarian's first license
29 renewal. This section shall apply only to second and subsequent
30 license renewals granted on or after January 1, 2002.

31 (e) The board shall have the right to audit the records of all
32 applicants to verify the completion of the continuing education
33 requirement. Applicants shall maintain records of completion of
34 required continuing education coursework for a period of four
35 years and shall make these records available to the board for
36 auditing purposes upon request. If the board, during this audit,
37 questions whether any course reported by the veterinarian satisfies
38 the continuing education requirement, the veterinarian shall provide
39 information to the board concerning the content of the course; the

1 name of its sponsor and cosponsor, if any; and specify the specific
2 curricula that was of benefit to the veterinarian.

3 (f) A veterinarian desiring an inactive license or to restore an
4 inactive license under Section 701 shall submit an application on
5 a form provided by the board. In order to restore an inactive license
6 to active status, the veterinarian shall have completed a minimum
7 of 36 hours of continuing education within the last two years
8 preceding application. The inactive license status of a veterinarian
9 shall not deprive the board of its authority to institute or continue
10 a disciplinary action against a licensee.

11 (g) Knowing misrepresentation of compliance with this article
12 by a veterinarian constitutes unprofessional conduct and grounds
13 for disciplinary action or for the issuance of a citation and the
14 imposition of a civil penalty pursuant to Section 4883.

15 (h) The board, in its discretion, may exempt from the continuing
16 education requirement any veterinarian who for reasons of health,
17 military service, or undue hardship cannot meet those requirements.
18 Applications for waivers shall be submitted on a form provided
19 by the board.

20 (i) The administration of this section may be funded through
21 professional license and continuing education provider fees. The
22 fees related to the administration of this section shall not exceed
23 the costs of administering the corresponding provisions of this
24 section.

25 (j) For those continuing education providers not listed in
26 paragraph (1) of subdivision (b), the board or its recognized
27 national approval agent shall establish criteria by which a provider
28 of continuing education shall be approved. The board shall initially
29 review and approve these criteria and may review the criteria as
30 needed. The board or its recognized agent shall monitor, maintain,
31 and manage related records and data. The board may impose an
32 application fee, not to exceed two hundred dollars (\$200)
33 biennially, for continuing education providers not listed in
34 paragraph (1) of subdivision (b).

35 (k) *A veterinarian who receives his or her license to practice*
36 *veterinary medicine on or after January 1, 2018, shall complete*
37 *an approved course on the judicious use of medically important*
38 *antimicrobial drugs, as defined in Section 14400 of the Food and*
39 *Agricultural Code, every four years as part of his or her continuing*
40 *education requirement.*

1 ~~SECTION 1.~~

2 SEC. 2. Chapter 4.5 (commencing with Section 14400) is added
3 to Division 7 of the Food and Agricultural Code, to read:

4
5 CHAPTER 4.5. LIVESTOCK: USE OF ANTIMICROBIAL DRUGS

6
7 14400. For purposes of this chapter, the following definitions
8 apply:

9 (a) “Medically important antimicrobial drug” means an
10 antimicrobial drug listed in Appendix A of the federal Food and
11 Drug Administration’s Guidance for Industry #152, including
12 critically important, highly important, and important antimicrobial
13 drugs, as that appendix may be amended.

14 (b) ~~“Livestock” has the same meaning as in Section 14205.~~
15 *means all animals and poultry, including aquatic and amphibian*
16 *species, that are raised, kept, or used for profit. Livestock does*
17 *not include those species that are usually kept as pets, such as*
18 *dogs, cats, and pet birds.*

19 14401. Beginning January 1, ~~2017, 2018~~, a medically important
20 antimicrobial drug shall not be administered to livestock unless
21 ordered by a veterinarian through a prescription or veterinary feed
22 directive, pursuant to a veterinarian-client-patient relationship that
23 meets the requirements of Section 2032.1 of Title 16 of the
24 California Code of Regulations.

25 14402. (a) Beginning January 1, ~~2017, 2018~~, a medically
26 important antimicrobial drug may be used when, in the professional
27 judgment of a licensed veterinarian, the medically important
28 antimicrobial drug is necessary for any of the following:

29 (1) ~~To treat or control the spread of~~ a disease or infection.

30 (2) *To control the spread of a disease or infection.*

31 ~~(2)~~

32 (3) In relation to surgery or a medical procedure.

33 ~~(3) To prevent the transmission of a particular disease or~~
34 ~~infection known to occur in a specific situation.~~

35 (4) *For prophylaxis to prevent the contraction of a particular*
36 *disease or infection known or suspected to occur in a specific*
37 *situation if antimicrobial prophylaxis is considered by a licensed*
38 *veterinarian to be effective to prevent that infection or disease.*

1 (b) A person shall not administer a medically important
2 antimicrobial drug to livestock *solely* for purposes of promoting
3 weight gain or improving feed efficiency.

4 (c) Unless the administration is consistent with subdivision (a),
5 a person shall not administer a medically important antimicrobial
6 drug in a repeated or regular pattern.

7 ~~14403. If funds are made available for this purpose, the~~
8 ~~department shall develop a program or participate in an initiative~~
9 ~~to track the use of medically important antimicrobial drugs in~~
10 ~~livestock and to track antimicrobial-resistant bacteria and patterns~~
11 ~~of emerging resistance.~~

12 *14403. (a) Notwithstanding Sections 14401 and 14402 of this*
13 *code and Section 4051 of the Business and Professions Code,*
14 *medically important antimicrobial drugs may be sold by retailers*
15 *licensed pursuant to Article 5 (commencing with Section 14321)*
16 *of Chapter 4 of Division 7 with proof of an order by a veterinarian.*

17 *(b) The department may promulgate regulations to implement*
18 *this section.*

19 ~~14404. (a) The department shall adopt regulations to promote~~
20 ~~the judicious use of medically important antimicrobial drugs in~~
21 ~~livestock to ensure that each animal gets the maximum benefit~~
22 ~~from the drug and help preserve the lifesaving potential of the~~
23 ~~drugs in the future. The regulations shall include antimicrobial~~
24 ~~stewardship guidelines that include rules on the proper use of~~
25 ~~medically important antimicrobial drugs for disease prevention.~~
26 ~~department, in consultation with the Veterinary Medical Board~~
27 ~~and the State Department of Public Health, may implement~~
28 ~~programs, including, but not limited to, best management practices,~~
29 ~~to promote antimicrobial stewardship in livestock to ensure that~~
30 ~~each animal gets the intended benefit from the drug to help~~
31 ~~preserve the lifesaving potential of the drugs in the future. The~~
32 ~~programs shall include antimicrobial stewardship guidelines on~~
33 ~~the proper use of medically important antimicrobial drugs for~~
34 ~~disease treatment, control, and prevention, including, but not~~
35 ~~limited to, the introduction of effective vaccines and good hygiene~~
36 ~~and management practices.~~

37 *(b) The department shall consult with livestock producers, food*
38 *animal veterinarians, and any other relevant stakeholders on*
39 *ensuring livestock timely access to treatment for producers in rural*
40 *areas with limited access to veterinary care.*

1 ~~(b)~~

2 (c) For purposes of this section, “antimicrobial stewardship” is
3 a commitment to do all of the following:

4 (1) To use medically important antimicrobial drugs only when
5 necessary to treat, control, and, in some cases, prevent, disease.

6 ~~(2) To choose~~ *select* the appropriate medically important
7 antimicrobial drug, and to administer the drug correctly each time.

8 (3) To use medically important antimicrobial drugs for the
9 shortest duration necessary and administered to the fewest animals
10 necessary.

11 (d) *The department, in consultation with the Veterinary Medical*
12 *Board, shall sponsor projects or collaborate with universities,*
13 *cooperative extension, and veterinary, livestock, and poultry trade*
14 *associations to do the following:*

15 (1) *Promote and develop appropriate training materials for*
16 *veterinarians, as well as animal owners and their employees, to*
17 *promulgate good stewardship practices.*

18 (2) *Disseminate scientifically validated practical alternatives*
19 *that may reduce the reliance on medically important antimicrobial*
20 *drugs while maintaining and promoting animal health.*

21 14405. (a) *In coordination with the National Animal Health*
22 *Monitoring System and the National Antimicrobial Resistance*
23 *Monitoring System, the department shall develop a monitoring*
24 *program that gathers information on sales, usage, resistance, and*
25 *management practice data. The monitoring system shall be*
26 *compatible with, and not duplicative of, the national monitoring*
27 *system.*

28 (b) *In order to carry out this section, the department may request*
29 *copies of veterinary feed directives and prescriptions from the*
30 *livestock owner, veterinarian, or distributor. Participation in this*
31 *effort shall be done in a manner that does not breach*
32 *veterinary-patient confidentiality laws.*

33 (c) *The department shall seek funds from federal, state, private,*
34 *and other sources to implement this section.*

35 14406. (a) *The department shall consider how best to gather*
36 *representative samples from all of the following:*

37 (1) *California’s major livestock segments.*

38 (2) *Regions with considerable livestock production.*

39 (3) *Representative segments of the food production chain.*

1 ***(b) The department shall work with willing participants to gather***
2 ***samples and may consult with livestock producers, food animal***
3 ***veterinarians, and any other relevant stakeholders on the***
4 ***implementation of the monitoring system.***

5 ***14407. Notwithstanding the California Public Records Act***
6 ***(Chapter 3.5 (commencing with Section 6250) of Division 7 of***
7 ***Title 1 of the Government Code), any information provided***
8 ***pursuant to this chapter shall be held confidential, and shall not***
9 ***be disclosed to any person or governmental agency, other than***
10 ***the department or the Veterinary Medical Board, for the purposes***
11 ***of enforcing the Veterinary Medicine Practice Act (Chapter 11***
12 ***(commencing with Section 4800) of Division 2 of the Business and***
13 ***Professions Code), unless the data is aggregated to prevent the***
14 ***identification of an individual farm or business. Information may***
15 ***be shared with federal agencies so long as it is protected by the***
16 ***federal Confidential Information Protection and Statistical***
17 ***Efficiency Act of 2002 (Public Law 107-347).***

18 ***14408. (a) A person who violates this chapter shall be liable***
19 ***for a civil penalty of not more than two hundred and fifty dollars***
20 ***(\$250) for each day a violation occurs.***

21 ***(b) (1) For a second or subsequent violation, a person who***
22 ***violates this chapter shall be punishable by an administrative fine,***
23 ***levied by the secretary, in the amount of five hundred dollars***
24 ***(\$500) for each day a violation occurs.***

25 ***(2) In addition to the administrative fine, the violator shall***
26 ***attend an educational program on the judicious use of medically***
27 ***important antimicrobial drugs that has been approved by the***
28 ***secretary. The violator shall successfully complete the program***
29 ***and provide proof to the secretary within 90 days from the***
30 ***occurrence of the violation.***

31 ***(c) In addition to the penalties set forth in this section, if the***
32 ***Veterinary Medical Board determines that a veterinarian has***
33 ***engaged in unprofessional conduct in violation of the Veterinary***
34 ***Medicine Practice Act (Chapter 11 (commencing with Section***
35 ***4800) of Division 2 of the Business and Professions Code), the***
36 ***veterinarian may be subject to disciplinary sanctions pursuant to***
37 ***the act.***

38 ***(d) The fees collected pursuant to this article shall be deposited***
39 ***into the Department of Food and Agriculture Fund and shall be***
40 ***available for expenditure upon appropriation by the Legislature.***

1 *SEC. 3. The Legislature finds and declares that Section 2 of*
2 *this act, which adds Section 14407 to the Food and Agricultural*
3 *Code, imposes a limitation on the public's right of access to the*
4 *meetings of public bodies or the writings of public officials and*
5 *agencies within the meaning of Section 3 of Article I of the*
6 *California Constitution. Pursuant to that constitutional provision,*
7 *the Legislature makes the following findings to demonstrate the*
8 *interest protected by this limitation and the need for protecting*
9 *that interest:*

10 *In order to ensure the confidentiality of the information collected*
11 *pursuant to this act and the integrity of that information for*
12 *regulatory and enforcement purposes, it is necessary that this act*
13 *take effect.*

14 ~~SEC. 2:~~

15 *SEC. 4. No reimbursement is required by this act pursuant to*
16 *Section 6 of Article XIII B of the California Constitution because*
17 *the only costs that may be incurred by a local agency or school*
18 *district will be incurred because this act creates a new crime or*
19 *infraction, eliminates a crime or infraction, or changes the penalty*
20 *for a crime or infraction, within the meaning of Section 17556 of*
21 *the Government Code, or changes the definition of a crime within*
22 *the meaning of Section 6 of Article XIII B of the California*
23 *Constitution.*